

REMARKS

Amendments to claims 22, 23 and 38 were discussed with the Examiner by the undersigned prior to issuance of the Notice of Allowance and it was understood that the amendments which were discussed would appear as an Examiner's amendment with the notice of allowance. The Notice of Allowance has issued with an Examiner's amendment.

Unfortunately, the Examiner's amendment of claim 38 is close to but does not follow exactly the amendment of claim 38 as discussed with the undersigned. Since the amendment, as made by the Examiner, is not satisfactory to the Applicant, claim 38 is amended herein to place it back to a form which represents the version of claim 38 as discussed with the Examiner (the only difference being an added semicolon in the amended version set forth above).

The Examiner is respectfully requested either to enter this amendment under Rule 312 or to re-open prosecution if the Examiner has some issue with claim 38 in the form desired by the Applicant. The Examiner's amendment does not mention why the Examiner's amendment of 38 differs slightly from the version discussed and agreed to by the undersigned.

It is respectfully noted that issuing a patent with an unauthorized Examiner's amendment violates 35 USC 112, second paragraph, which provides that "The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention." The patent statute specifically gives the applicant the privilege of determining the scope of the claims. If the Examiner believes that any claim is unclear, then the Examiner can reject that claim, but the Examiner, with all due respect, is not entitled to amend any claim without the consent of the applicant.

Reconsideration is respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being electronically filed with the United States Patent Office on

September 9, 2010
(Date of Deposit)

Lonnie Louie
(Name of Person Depositing)

/Lonnie Louie/
(Signature)

September 9, 2010
(Date)

Respectfully submitted,

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